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CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
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16 **UNITED STATES DISTRICT COURT**

17 **DISTRICT OF NEVADA**

18 UNITED STATES OF AMERICA)
 19 AND THE STATE OF NEVADA *ex rel.*)
 20 MARY KAYE WELCH,)
 21 Plaintiffs,)
 22 v.)
 23 MY LEFT FOOT CHILDREN'S)
 24 THERAPY, LLC,)
 25 ANN MARIE GOTTLIEB,)
 26 JONATHAN GOTTLIEB,)
 27 Defendants.)
 28

Case No.: 2:14-cv-01786-MMD-GWF

**FILED EX PARTE
AND UNDER SEAL**

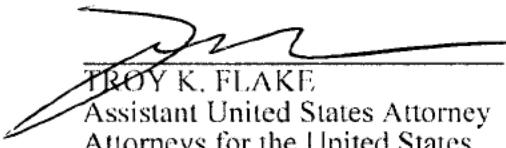
1 **UNITED STATES' AND STATE OF NEVADA'S SECOND *EX PARTE* APPLICATION FOR**
 2 **A TWO-MONTH EXTENSION OF TIME TO CONSIDER ELECTION TO INTERVENE**

3 Plaintiff-Relator Mary Kaye Welch (Relator), filed this action under the Federal False Claims
 4 Act, 31 U.S.C. § 3729-33, and the Nevada False Claims Act, NRS 357.040(b), on or about October 28,
 5 2014, on behalf of the United States and the State of Nevada (the “Governments”), against Defendants
 6 My Left Foot Children’s therapy LLC, Ann Marie Gottlieb, and Jonathan Gottlieb (Defendants).
 7 Relator served her complaint and disclosure statement on the Governments on or about October 30,
 8 2014. On January 2, 2015, the Court granted an extension of the deadline for the Governments to decide
 9 whether to intervene in this matter to March 31, 2015. The Governments request an additional two
 10 months, to and including Friday, May 29, 2015, to decide whether to intervene in this matter. This is the
 11 Governments’ second extension request.

12 As discussed in the memorandum in support, filed *ex parte* and *in camera*, this extension is
 13 necessary for the Governments to advance their investigation of the Relator’ allegations. Counsel for
 14 the United States conferred with counsel for Relator and has been advised that the Relator does not
 15 oppose an application for an extension of time. A form of order is also attached hereto.

16 Dated this 31st day of March, 2015.

17 DANIEL G. BOGDEN
 18 United States Attorney

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 20 TROY K. FLAKE
 21 Assistant United States Attorney
 22 Attorneys for the United States

23 ADAM PAUL LAXALT
 24 Nevada Attorney General

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 26 MARK KEMBERLING
 Chief Deputy Attorney General
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**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
UNITED STATES' AND STATE OF NEVADA'S SECOND *EX PARTE* APPLICATION FOR A
TWO-MONTH EXTENSION OF TIME TO CONSIDER ELECTION TO INTERVENE**

The United States and the State of Nevada (the “Governments”) respectfully submit this memorandum, *ex parte* and *in camera*, in support of their application for a six-month extension of time to consider the election to intervene in this qui tam action. The Governments require additional time to investigate this matter.

7 Relator was employed as a speech and language pathologist by Defendants. The Defendants
8 provide various therapy services to children through My Left Foot Therapy LLC. Relator alleges that
9 Defendants submitted false or fraudulent claims to Medicaid by treating children who did not medically
10 qualify for treatment and submitting false medical documentation to secure Medicaid authorization for
11 treatment.

12 The Federal False Claims Act permits a private party (a relator) to bring suit to recover damages
13 allegedly suffered by the United States due to fraud. Under this statute, the action remains under seal for
14 60 days from service on the United States of the complaint and written disclosure statement. During this
15 60 day period, the United States may elect to intervene and assume primary responsibility for the
16 litigation. The evaluation time may be extended at the request of the United States upon a showing of
17 good cause. 31 U.S.C. §3730(b)(2) and (3). The Nevada False Claims Act contains a similar provision.
18 NRS § 357.110(1). Good cause exists in this case to extend the evaluation period.

19 This case contains complex allegations relating to thousands of claims. The Governments have
20 assembled investigative teams to review these claims, which now involve Medicaid and Tricare.
21 Counsel for the Governments interviewed the relator on January 27, 2015. The Governments are now
22 working with the Relator to obtain additional documents in the Relator's possession which relate to the
23 Relator's claims. After these records are received, they will be reviewed by the investigative teams and
24 additional investigation will be pursued, if necessary.

Finally, the Governments request that the Court continue to keep the Complaint in this action under seal, pending the completion of the additional investigation and analysis necessary in this case.

1 Accordingly, the Governments request that the intervention deadline in this case be extended
2 from March 31, 2015, to and including Friday, May 29, 2015; and the Complaint and other pleadings be
3 kept under seal during that period. Counsel for the Relator has informed the United States that Relator
4 does not object to an extension of the seal period for purposes of further investigation.

CONCLUSION

6 For all of the above reasons, the United States and the State of Nevada respectfully request that
7 this *Ex Parte* Application For A Two-Month Extension Of Time To Consider Election To Intervene be
8 granted.

9 Dated this 31st day of March, 2015.

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA)
AND THE STATE OF NEVADA *ex rel.*)
MARY KAYE WELCH,)
Plaintiffs,)
v.)
MY LEFT FOOT CHILDREN'S)
THERAPY, LLC,)
ANN MARIE GOTTLIEB,)
JONATHAN GOTTLIEB,)
Defendants.)
Case No.: 2:14-cv-01786-MMD-GWF

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ORDER

The Court having considered the Application by the United States and State of Nevada for a two-month extension of time, and finding good cause having been shown, it is hereby ORDERED that:

1. Said Application is GRANTED; and
2. The United States and the State of Nevada shall have up to and including May 29, 2015, in
to investigate this qui tam and make their determination on intervention; and
3. The Complaint, docket entries, and all related filings in this case, including the United
and the State of Nevada's Application, shall otherwise REMAIN UNDER SEAL until and
ng May 29, 2015, or further Order of this Court; and
4. The Clerk of the Court shall serve a copy of this Order upon counsel for the United States
and shall not serve a copy of this Order upon Relator or her counsel in this action.

IT IS SO ORDERED

This 1st day of April 2015.



UNITED STATES DISTRICT JUDGE